

## REMARKS

Claims 18 to 32 are pending in this application. Examiner in an office action dated 7/24/2008 has objected to the claims 18-32 as directed to an invention that is distinct from the invention originally claimed due to recitations of, "an encoded service code, the code embeds merchant identification to a third party central system" and "where the payment transaction request to the central system, having originated from the wireless device of the customer did not originate from the merchant computer system", in the claims.

Examiner has rejected claims 18, 22, 24, 28 to 32 under 35 USC §112, for failing to comply with the written description requirement for using same recitations as above.

Applicant has amended claims 18, 22, 23, 24, 28, 29, 30, 31, and 32. The amended claims do not make use of the recitations as above. The amendments also better define the scope of the invention. No new matter is believed added. The amendments find support throughout the specification.

Examiner has rejected claims 18-32 to the degree understood with the old recitations, as obvious over Showghi et al. under 35 USC §103(a). Claims 18-32 have been amended. Applicant believes the amended claims 18-32 are not obvious over Showghi for the reasons below.

Showghi is on remote ordering system for food in a venue from a stadium seat and payment for it. For payment of the food items, Showghi uses traditional prior art methods, where the merchant system processes the payment transaction. Hence, Showghi prior art is on the convenience of remote ordering food and paying for such food from a venue merchant using a wireless communication device from a seat in a stadium venue.

Different methods of payment are suggested that include, pre-registering patron bankcard data with the venue merchant at the time of entry to the venue, sending bankcard data via a customer cell phone device to the venue merchant system, or alternate forms of payment that include billing the cost of the food items to a telephone bill of the customer,

where the telephone company may provide this type of payment service for small dollar amounts to a merchant.

In equating the central system of the present invention with a merchant system, Examiner misconstrues the Showghi prior art, specifically items, remote control station 12, venue server 16 and order processing 18 items as shown in Figure 1 and 2, and col.2 lines 56-67,. The Showghi items 12, 16 and 18, in Figures 1 and 2, collectively represent a merchant system and not a central system of the present invention that is separate from a merchant system.

Specifically, item 12, is a kiosk/station where a patron can rent a wireless device and that is true for both Figures 1 and 2. When the patron rents a device at kiosk/station 12, payment arrangements are made by the patron providing debit/credit card data to the kiosk/station 12. When the patron orders food by the wireless device, either rented at the station 12 or his/her own wireless device, as shown in Showghi Figures 1 and 2, the order is routed to the venue server 16.

From Showghi, col. 4, lines 19-23, In Figure 1, the base trans receiver nodes 14 and other client work stations are networked to the local server computer 16, which maintains system records, and facilitates the overall operation of the remote ordering system. The venue server 16 receives the order and distributes the orders to the order fulfillment server 18 that are closest to the patron seat in the stadium.

From Showghi col. 6, lines 17 to 26: most venues will necessarily have several order fulfillment centers. As venues can be quite large, it would be impractical to deliver all orders from a single processing location, but to have multiple locations in a large venue in order to keep proximity to the customer, thus the route for physical delivery, reasonably minimized. To assure prompt and accurate delivery of orders, it is necessary to identify the location of the patron's seat to determine which order fulfillment center within the venue to send the order to. Hence the fulfillment server 18 receives the order from the venue server 16, to the fulfillment center 18, which is closest to the patron.

It is abundantly clear from the Showghi description of items remote control station 12, venue server 16 and order processor 18, as above, where each item performs a function of the venue merchant system and they collectively represent a merchant system, where kiosk item 12 has the task of renting the wireless devices and collecting payment data, venue server item 16 as the task of receiving the order, and distributing the order to order fulfillment center 18 closest to the patron in the venue.

Therefore the central system of present invention that is separate from the merchant system is entirely different than the Showghi merchant system implemented in servers 12, 16 and 18. Showghi art does not teach privacy and or protection of the customer bankcard data from a merchant system. In contrast, the present claims 18, 24 and 30 are directed to methods and systems for the privacy protection of the bankcard data from the merchant system during a payment transaction to a restaurant merchant.

Examiner also misconstrues Showghi identification code with the service code of the present invention claims 18, 24 and 30. Showghi uses an identification code to specify patron's seat location, where such identification code is printed on the event ticket, as in Showghi Figure 6, ticket 62 and identification code 64. When the patron communicates to the venue merchant, the venue merchant system identifies the patron and or location of the patron in the stadium by this identification code.

In contrast, the service code of this invention, as in claim 18, 24 and 30, includes a merchant number that identifies the merchant to the central system that is separate from the merchant system, for retrieving merchant identification data in the central system. Hence, the identification code of Showghi is inherently different than the service code of the claims 18, 24 and 30. , where the Showghi identification code as printed on the event ticket identifies the patron by the seat number, and in contrast, the service code printed on a restaurant bill in a restaurant includes a merchant number that identifies the restaurant merchant to the central system that is separate from the merchant system.

For the reasons stated above, the nature and scope of the claims 18, 24 and 30, are such that they are not obvious over Showghi under Graham v. Deere test of obviousness. Likewise the dependent claims are also not obvious.

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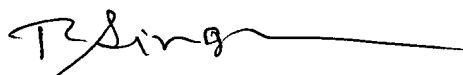
### **CONCLUSION**

Applicant respectfully asserts that claims 18 to 32 are patentable for the reasons set forth above. The application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 310-540-4095 for any reason that would advance the instant application to issue.

Dated this the 24th day of October, 2008

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Respectfully submitted,



Tara Chand Singhal, Applicant

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P O Box 5075  
Torrance, California 90510  
Telephone: (310) 540-4095

25 Response to Final Office Action 7-24-2008